

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 JAMES WILLIAMS,

5 Plaintiff,

6 v.

7 LAS VEGAS METRO POLICE DEPT., et al.,

8 Defendant.

Case No. 2:19-CV-01212-APG-EJY

AMENDED ORDER

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10 Before the Court is Plaintiff's Motion to Alter/Amend the Judgment Dismissing His
11 Complaint for Failure to State a Claim Upon Which Relief can be Granted; Screen the Actual
12 Complaint; and Grant the Injunctive Relief ("Plaintiff's Motion"). ECF Nos. 7 and 8. Plaintiff's
13 Motion is denied because (1) no judgment has been issued in this case and, therefore, Fed. R. Civ.
14 P. 59 and 60 do not apply; (2) the actual complaint was reviewed (ECF No. 5 issued on August 16,
15 2019, page 2¹); (3) Plaintiff was granted leave to file an amended complaint within 30 days of the
16 August 16, 2019 Order.

17 Although Plaintiff failed to file an amended complaint within the 30 day window provided
18 by the Court, which would ordinarily be grounds for dismissal of this action with prejudice, the
19 Court will grant Plaintiff one additional opportunity to file a coherent amended complaint, which
20 document must be titled "Amended Complaint." The amended complaint must contain a short and
21 plain statement describing the facts underlying the specific causes of action Plaintiff seeks to assert.
22 Fed. Civ. P. 8(a)(2). Although the Federal Rules of Civil Procedure adopt a flexible pleading
23 standard, Plaintiff still must give the Defendants fair notice of the Plaintiff's claims against it and
24 Plaintiff's entitlement to relief.

25 Additionally, Plaintiff is advised that if he files an amended complaint, the original complaint
26 (ECF No. 1-2) no longer serves any function in this case. As such, the amended complaint must be

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28 ¹ ECF No. 5 at 2:10-12 mistakenly referenced ECF No. 2. The reference should have been to ECF No. 1-2, Civil Complaint and Claim for Damages.

1 complete in and of itself without reference to prior pleadings or other documents. The Court cannot
2 refer to a prior pleading or other documents to make Plaintiff's amended complaint complete.

3 Accordingly,

4 IT IS HEREBY ORDERED that Plaintiff's Motions (ECF Nos. 7 and 8) are DENIED.

5 IT IS FURTHER ORDERED that Plaintiff may file an Amended Complaint within 30 days
6 from the date of this Order. Failure to comply with this Order may result in a recommendation that
7 this action be dismissed with prejudice.

8 IT IS FURTHER ORDERED that Plaintiff's Notice of On-Going State and Federal
9 Constitutional Violations and Request for Extraordinary Remedy (Writ of Mandamus/Prohibition)
10 shall be held in abeyance until such time Plaintiff either files an Amended Complaint or upon
11 expiration of the 30 additional days granted to Plaintiff to do so.

12 DATED THIS 20th day of September, 2019.

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15 ELAYNA J. YOUCHAK
16 UNITED STATES MAGISTRATE JUDGE
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